

Notice of Allowability

Application No.

10/705,294

Examiner

DANIEL G. MARIAM

Applicant(s)

SILVER ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment & Terminal Disclaimer filed on 2/26/07.
2. ☒ The allowed claim(s) is/are 122-124, 126-154 & 156-157 (will be renumbered as 1-34).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


DANIEL G. MARIAM
Primary Examiner
Art Unit: 2624

EXAMINER'S AMENDMENT, TERMINAL DISCLAIMER & REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Amend the specification as follows:

In page 2, second paragraph, of the preliminary amendment to the specification dated November 10, 2003, delete "This is a continuation of U.S. Patent Application Serial Number 09/746,147, filed 12/22/2000, which is a continuation of U.S. Patent Application Serial Number 09/001,869, filed 12/31/1997, which is a continuation-in-part to U.S. Patent Application Serial Number, 09/979,588, filed 11/26/1997." and replace it with "This is a continuation of U.S. Patent Application Serial Number 09/746,147, filed 12/22/2000, which is now US Patent No. 6,658,145 issued December 2, 2003, which is a continuation of U.S. Patent Application Serial Number 09/001,869, filed 12/31/1997, which is now abandoned, which is a continuation-in-part to U.S. Patent Application Serial Number, 08/979,588, filed 11/26/1997, which is now abandoned."

Terminal Disclaimer

2. The terminal disclaimer filed on February 26, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S.

Patent Number 7,058,225 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons for Allowance

3. Claims 122-124, 126-154 and 156-157 are allowed. The claims will be renumbered as 1-34.

4. The following is an examiner's statement of reasons for allowance: with respect to claims 147-154 and 156-157, the reasons presented in the last Office Action are not repeated herein, but are entirely incorporated herein by reference. With respect to claims 122—124 and 126-146, as applicant properly points out on pages 11-12 of the remarks, that Cootes, et al does not disclose generating information about the boundary points for inclusion in said model pattern, the information being stored as a vector-valued function of position within a region of the image that includes the boundary points, resulting in a model pattern that includes information that is a vector-valued function of position within the region of the image that includes the boundary points. It is for this reason and in combination with all of the other elements that claims 122-124 and 126-146 are allowable over the reference to Cootes, et al.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
Art Unit 2624

March 26, 2007